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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,504	03/31/2004	Jewel Tracy	20031124-001	6464
7590	10/17/2005		EXAMINER	
Roger L. Belfay 829 Tuscarora Avenue Saint Paul, MN 55102			LANDRUM, EDWARD F	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 10/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/814,504	TRACY, JEWEL
	Examiner	Art Unit
	Edward F. Landrum	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_\_.
- 2a)  This action is FINAL. 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1-8 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-8 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 31 March 2004 is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cutting means, perforated material, and the stacking area must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Subject matter not described in the specification comprises the cutting means, the perforated material, and the stacking area.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Oats '513 (U.S Patent No. 4,926,513).

Regarding claim 1, Oats '513 teaches (see Figures 1-2) a frame (100), having four sides, for placement on a floor to define a sanitary area and help guide the sanitary covering material through the frame. Steiner further teaches the dispensing device (110 and 110') is above the frame (100) and attached outside of the sanitary area (see Figure 4).

Regarding claim 2, Oats '513 teaches (see Figures 1-2) a collection device above frame (100).

Regarding claim 3, Oats '513 teaches (see Figure 4) a cutting means to sever used segments of sanitary cutting material.

Regarding claim 4, Oats '513 teaches (Col. 3, lines 21-26) the scoring of the sanitary covering material to aid in the removal of the old sanitary covering material and positioning the new sanitary covering material.

Regarding claim 5, Oats '513 teaches (see Figure 4) a stacking area for sheets of sanitary covering material (150).

Regarding claim 6, Oats '513 teaches (see Figure 2) the use of a hand-operated roller (136) for the collection device.

Regarding claim 7, Oats '513 teaches (Col. 2, lines 29-38; also see Figure 3) the use of an electrically operated roller (130') in the collection device.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oats '513 in view of Kapiloff '003 (U.S Publication No. 2003/0116003).

Oats '513 teaches all of the elements of the current invention except the use of a sensor for the automatic removal of the sanitary covering material whenever the user vacates the sanitary area.

Kapiloff '003 teaches the use of a force sensor to activate a drive motor thereby dispensing flexible sanitary material (Paragraph 33).

It would have obvious to have modified Oats '513 to incorporate the teachings of Kapiloff '003 to create a device for the automatic dispensing of sanitary material. A force or weight sensor would detect the presence of a person on the sanitary covering material and could easily activate a motor to dispense new sanitary covering material once the force left.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van Wagner (U.S Patent No. 1,891,629), Oats '600 (U.S Patent No. 3,641,600), and Steiner (U.S Patent No. 1,877,610) teach devices for dispensing sanitary material. Schuler (U.S Patent No. 6,105,481), and Welch et al (U.S Patent No. 5,894,978) teach cutting devices of flexible material. Cooper (U.S Patent No. 3,315,676) teaches perforated sanitary material. Schreck (U.S Patent No. 6,038,708) teaches a stacking area for sanitary covering material. LaRose (U.S Patent No 6,363,555) teaches motorized movable web material. Bailey (U.S Publication No. 2004/0084609), Abbas et al (U.S Patent No. 5,265,296), Formon et al (U.S Patent No. 6,742,689), Jahrling (U.S Patent No. 6,161,814), and Kapiloff '620 (U.S Patent No. 6,892,620) teach sensor devices for use in sanitary applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL  
10/7/2005



  
BOYER D. ASHLEY  
PRIMARY EXAMINER